

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MERRILL JOHNSTON,

Defendant.

**8:19CR331**

**PRELIMINARY ORDER  
OF FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 63). The Court has carefully reviewed the record in this case and finds as follows:

1. On April 1, 2022, defendant Merrill Johnston ("Johnston") pleaded guilty to Count I of the Indictment (Filing No. 1) and admitted the Forfeiture Allegation. Count I charged Johnston with possession with intent to distribute 50 grams or more of a mixture or substance containing methamphetamine; in violation of 21 United States Code § 841(a)(1) and (b)(1).

2. The Forfeiture Allegation of the Indictment sought forfeiture, pursuant to 21 U.S.C. § 853, of \$3,800 and \$3,349 in United States currency seized from 1420 Rodeo Road, #19, North Platte, Nebraska, on or about September 13, 2019, on the basis it was (a) used to facilitate the offenses charged in the Indictment or (b) derived from proceeds obtained directly or indirectly as a result of the commission of the offenses charged in the Indictment.

3. Based on Johnston's guilty plea and admission, Johnson forfeits his interest in the \$3,800 and \$3,349 in United States currency and the government should be entitled to possession of any interest Johnston has in the \$3,800 and \$3,349 in United States currency pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture should be granted.

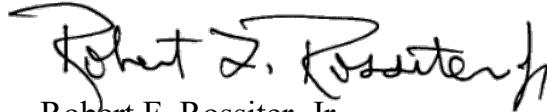
IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 63) is granted.
2. Based upon the Forfeiture Allegation of the Indictment (Filing No. 1) and Johnston's guilty plea and admission, the government is hereby authorized to seize the \$3,800 and \$3,349 in United States currency.
3. Johnston's interest in the \$3,800 and \$3,349 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$3,800 and \$3,349 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the \$3,800 and \$3,349 in United States currency in such manner as the Attorney General may direct, and notice that any person, other than Johnston, having or claiming a legal interest in the \$3,800 and \$3,349 in United States currency must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$3,800 and \$3,349 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$3,800 and \$3,349 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$3,800 and \$3,349 in United States currency as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 6th day of April 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge